compliance date extension cannot be accepted.

(3) NMEID comments on EPA's proposed action:

The NMEID submitted comments in favor of EPA's proposed action. The NMEID concluded that EPA's proposal was consistent with section 110(a)(2)(A) and any extension of the compliance date for secondary hooding would violate the Act. In addition, NMEID points out that Texas Governor Mark White did not specifically request an extension for the secondary hooding, but rather the extension was for the attainment date of an area in Texas within a two mile radius from the smelter. The justification submitted with the extension request clearly indicates that Texas considers hooding to be "reasonably available." The extension was requested because that area of El Paso would not meet the primary standard even after the implementation of all reasonable and feasible controls, including secondary hoods on the cooper converters. EPA understands the comments submitted by NMEID to support this action.

V. Petition for Reconsideration

ASARCO's October 11, 1984 petition for reconsideration raised essentially the same substantive arguments as those made by ASARCO in its comments in response to EPA's January 4, 1985, proposal. EPA, therefore, is denying ASARCO's petition for the same reasons set forth in today's final action notice. ASARCO, however, also argued in its petition that it had not had an adequate opportunity to comment on EPA's position opposing a two year extension of time for implementation of the secondary hoods on its copper converters. EPA, while not agreeing with ASARCO's assertion as to the Agency's final rulemaking action on the El Paso lead SIP, believes that in light of its January 4, 1985 proposal and opportunity for comment ASARCO has had an adequate opportunity to comment on EPA's position and that this issue is moot as to the petition for reconsideration. At the time ASARCO submitted its petition to EPA the August 13, 1984, final action had already been effective for one month. (The actual effective date of EPA's action was September 13, 1984, see 49 FR 32184, col. 3.) At no time did EPA stay the effect of its final action, and, in EPA's view, all the SIP requirements have been in effect since September 13, 1984.

ASARCO requested that EPA re-evaluate its interpretation of Section 110(e) of the Clean Air Act with respect to the availability of a compliance date extension for installation of secondary hoods. EPA has reconsidered its interpretation of that section and continues to believe that the extension of the compliance date is not available in this instance.

ASARCO also requested that if EPA denied its petition for reconsideration that EPA suspend and stay the effectiveness of its final action pending appellate review of these issues. EPA hereby denies ASARCO's request for suspension and stay of its final action and notes that based on today's final action the secondary hoods over ASARCO's copper converters are to be implemented as part of the lead implementation plan by August 13, 1987. EPA's denial is based on the fact that the necessary technology for this control measure is well known and currently available, it will take some time for ASARCO to install the hooding, the lead implementation plans demonstrates that this measure is necessary to bring the smelter into compliance with the lead NAAQS, and because the necessary controls to reduce excesssive emissions of lead from ASARCO's smelter are already long overdue. For these reasons EPA believes that further delay is both unwarranted and unwise.

VI. EPA Final Action

By this notice, EPA is promulgating a federal compliance date for the requirements of Texas Rule 113.53, as contained in Rule 113.122. The compliance date as proposed on January 4, 1985, was indicated as August 13, 1987, or by two years from EPA promulgation of the arsenic NESHAP for low-arsenic-throughput smelter, whichever is sooner. Since this final action will be published after August 13, 1985, there is no reason to continue to include the two years after NESHAP promulgation language, since August 13, 1987, is within two years of today. Therefore the final compliance date for the requirements of Texas Rule 113.53 is August 13, 1987. The deadline dates for installation of all RACT lead control measures at the ASARCO-El Paso smelter are as specified in the approved Texas lead SIP. EPA is also denying ASARCO's October 11, 1984, petition for reconsideration of its disapproval of the date in Texas' El Paso lead SIP.

Under 5 U.S.C. 605(b), I have reviewed this action and determined that it does not have a significant economic impact on a substantial number of small entities because it affects only one large source.

Under Executive Order 12291, today's action is not "Major." It has been submitted to the Office of Management and Budget (OMB) for review.

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by July 21, 1986. This action may not be challenged later in proceedings to enforce its requirements. (See 307(b)(2).)

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons, Intergovernmental relations.

Dated: May 6, 1986.

Lee M. Thomas,

Administrator.

PART 52—[AMENDED]

40 CFR Part 52 is amended as follows:

SUBPART SS—Texas

1. The authority citation for Part 52 continues to read as follows:

Authority: 42 U.S.C. 7401–7642.

2. Section 52.2305 is added as set forth below:

§ 52.2305 Lead Control Plan: Federal Compliance Date for Requirements of Texas Air Control Board (TACB) Rule 113.53

(a) The requirements of section 110 of the Clean Air Act are not met regarding the final compliance date, as found in TACB Rule 113.122, for the requirements of rule TACB 113.53.

(b) TACB Rule 113.53 was adopted by the Board on February 17, 1984, and approved by the Administrator as a requirement of the State Implementation Plan on August 13, 1984. The owner or operator of any copper or zinc smelter located in El Paso County, Texas, shall comply with the requirements of TACB Rule 113.53 no later than August 13, 1987.

[FR Doc. 86–11292 Filed 5–19–86; 8:45 am]
BILLING CODE 6560-50-M

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40 CFR Part 799

[OPTS-42050C; FRL-3018-9]

Test Requirements for Certain Chlorinated Benzenes; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; Correction.

SUMMARY: This document corrects a final rule document on the Toxic Substances Control Act (TSCA) test requirements for certain chlorinated benzenes, published in the **Federal Register** of April 7, 1986. This action is necessary to correctly identify (1) "1,2,3-

trichlorobenzene" as the substance in which mysid shrimp (*Mysidopsis bahia*) is to be tested to develop data on chronic toxicity and (2) the reference to "Table 6".

FOR FURTHER INFORMATION CONTACT:

By mail: Joanne Kla, Existing Chemical Assessment Division (TS-778), Office of Toxic Substances, 401 M St., SW., Washington, DC 20460.

Office location and telephone number: Rm. 100, Northeast Mall, 401 M St., SW., (202-475-8129).

SUPPLEMENTARY INFORMATION: EPA issued a final rule, FR Doc. 86-7475, published in the **Federal Register** of April 7, 1986 (51 FR 11728), to require manufacturers and processors of certain chlorinated benzenes to conduct environmental effects and chemical fate testing. The regulation was issued in 40 CFR Part 799.

The following errors inadvertently appeared in the final document and are hereby corrected:

1. In unit IV.B. of the preamble, the reference to "Table 9", third line, is corrected to read "Table 6".

2. In § 799.1053 *Trichlorbenzenes,* the reference in paragraph (d)(5)(i), second sentence, to the chemical substance in which mysid shrimp (*Mysidopsis bahia*) is to be tested to develop data on chronic toxicity as "1,2,4-trichlorobenzene" is corrected to read "1,2,3-trichlorobenzene".

List of Subjects in 40 CFR Part 799

Testing, Environmental protection, Hazardous substances, Chemicals, Recordkeeping and reporting requirements.

Dated: May 14, 1986.

Don R. Clay,

Director, Office of Toxic Substances.

[FR Doc. 86-11294 Filed 5-19-86; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 25

[Gen. Dockets 84-689; RM-4426 and 84-690; FCC 86-209]

Radiodetermination Satellite Service; Policies and Procedures for the Licensing of Space and Earth Stations in the Radiodetermination Satellite Service

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission has established rules and policies to govern the radiodetermination satellite service. This action follows a Notice of Proposed Rulemaking, (49 FR 36512, September 12, 1984), proposing to allocate frequencies for this service and to establish associated licensing policies, and a Report and Order allocating these frequencies, (50 FR 39101 September 27, 1985). This action will permit the FCC to act on the pending applications for radiodetermination satellite systems and to process future applications.

EFFECTIVE DATE: May 8, 1986.

FOR FURTHER INFORMATION CONTACT: Fern Jarmulnek, Satellite Radio Branch, Common Carrier Bureau, (202) 634-1682.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Second Report and Order, Gen. Dockets 84-689 and 84-690, adopted April 22, 1986 and released May 8, 1986.

The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Summary of Second Report and Order

In 1984, the Commission issued a *Notice of Proposed Rulemaking (Notice),* 49 FR 36512 (September 18, 1984), proposing to allocate frequencies for a radiodetermination satellite service (RDSS) and to establish associated licensing policies and procedures. This *Notice* was adopted in response to a petition for rulemaking and an RDSS system application filed with the Commission by Geostar Corporation (Geostar). The *Notice* was released with an accompanying public notice accepting Geostar's application for filing and inviting other applications to be submitted for concurrent consideration. The Commission proposed multiple entry as a general licensing policy. In addition to the extensive comments filed, Omninet Corporation (Omninet), MCCA American Radiodetermination Corporation (MARC), and McCaw Space Technologies, Inc. (McCaw) filed system proposals, and Geostar submitted an updated proposal. On July 25, 1985, the Commission allocated frequencies for the provisions of RDSS.

By this *Second Report and Order,* the FCC adopted governing rules and policies for the radiodetermination satellite service. The FCC stated that the four applications filed involved two distinct and incompatible proposals. The Goestar, McCaw and MARC system proposals were compatible and provided RDSS and ancillary non-voice message service. Omninet's system was incompatible with the other three. It provided a wide range of two-way voice communications services, and provided RDSS by accessing the government's global positioning system (GPS). Omninet had filed virtually the same application in the mobile satellite service (MSS) proceeding.

The FCC concluded that it would not authorize Omninet's system to use the entire bandwidth allocated to RDSS, especially since similar system proposals were under consideration in the MSS proceeding and might be authorized there. Omninet did not convince the FCC that its essentially MSS system would best serve RDSS users. A wide range of potential RDSS customers had urged that Geostar's proposed system be approved, and several had questioned whether Omninet's system would meet their needs. Further, the FCC stated that Omninet's design would not permit multiple systems to share the same frequencies, nor did Omninet demonstrate that its system was in any way superior to the one proposed by the other applicants. The FCC concluded that the benefits of competition would be best provided by independently licensed spread spectrum RDSS systems. The FCC also rejected Omninet's "compromise" to divide the allocated bandwidth into two equal segments, with each segment assigned to a different technology. The FCC found that dividing the spectrum in half would reduce the capacity of spread spectrum systems by at least that much and would substantially affect their accuracy. The FCC therefore authorized a spread spectrum multiple access technique for RDSS systems, and provided all applicant proposing incompatible systems 60 days to amend their proposals to bring them into compliance with this standard.

In addition to adopting rules governing system design, the FCC required that RDSS systems provide radiodetermination services on a primary basis and any associated non-voice data services on an ancillary basis only to comport with the RDSS allocation and to allow a competitive RDSS industry to develop. The FCC also affirmed its tentative conclusion in the *Notice* that RDSS should not be regulated on a common carrier basis. Further, financial standards similar to those applied in the private international satellite industry were adopted. The FCC found that the private